

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2506 OF 2022
IN
CRIMINAL APPEAL NO.748 OF 2022**

WITH

**INTERIM APPLICATION NO.2507 OF 2022
IN
CRIMINAL APPEAL NO.748 OF 2022**

Gopal Rama Koli & Ors.

.... Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr. Vijay P. Agale, Advocate for Applicants.
- Mr. S. R. Agarkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 07th FEBRUARY, 2023**

P.C. :

1. These are the applications for suspension of sentence and for release on bail pending final disposal of the Criminal Appeal No.748 of 2022 preferred by the Applicants. The Applicants were convicted and sentenced by the Additional Sessions Judge, Thane, vide his Judgment and Order dated

27/06/2022 passed in Sessions Case No.316/2014. The Applicants were convicted for commission of offence punishable u/s 323 r/w 34 of the Indian Penal Code and were sentenced to suffer simple imprisonment for one month and to pay a fine of Rs.500/- each and in default of payment of fine to suffer simple imprisonment for 15 days.

2. Heard Mr. Vijay P. Agale, learned counsel for the Applicant and Mr. S. R. Agarkar, learned APP for the State.
3. Learned counsel for the Applicants submitted that they have a good case on merits. He submitted that the sentence imposed on the Applicants is very short. The Applicants were on bail during trial and they have not misused the same. Even after their conviction they were granted bail u/s 389 of Cr.P.C. He submitted that the case of the complainant P.W.2 Vijay Tatli was disbelieved in respect of allegations of abuse with reference to the caste. Therefore, it is not safe to rely on his other part of evidence. He is an unreliable witness. Learned counsel also

attacked the evidence of the Medical Officer, who has not given clear evidence as to when he had examined the injured.

4. Learned APP opposed this application. But he conceded that the sentence is short.

5. I have considered these submissions. The issues raised by the learned counsel for the Applicants will have to be considered at the final hearing stage. The sentence imposed is short. The Appeal is not likely to be decided within that short period. Therefore, the Applicants can be granted bail during pendency of their Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.748 of 2022, the Applicants are directed to be released on bail on their furnishing P.R. bond in the sum of Rs.10,000/-

(Rupees Ten Thousand only) each, with one or two sureties each, in the like amount.

- (ii) Both the Interim Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)